REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-6, 9-14, 17 and 19 are currently being amended. This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-21 are now pending in this application.

Rejections under 35 USC 103

On page 2 of the Office Action dated October 31, 2007, claims 1-4, 8-12, 16-19 and 21 were rejected under 35 USC 103(a) as being unpatentable over US Publication No. 2004/0082311 (Shiu) in view of US Patent No. 6,684,247 (Santos) further in view of US Patent No. 6,359,901 (Todd). Shiu, Santos and Todd are referred to below as the cited art. Applicants have amended independent claims 1, 9 and 17 to advance prosecution.

Shiu, taken alone or in combination with Santos and Todd, does not describe the Applicants claimed invention as recited in claims 1-4, 8-12, 16-19 and 21, as currently presented.

Claims 1 and 17, as amended, recite, *inter alia*:

> [categorizing] the dynamics of the communications channel into **one of at least a first state, a second state and a third state**, based on the estimate; and
>
> [selecting], based on a chosen state, **the weighted use of closed loop link adaptation and open loop link adaptation** of communication link parameters

(emphasis added).

Claims 3 and 19, as amended, recite, *inter alia*:

> wherein the weighted use of communication link parameters is **table driven**

(emphasis added).

Claim 4, as amended, recites, *inter alia*:

> wherein one or more **link metrics are normalized** based on one or more communication link parameters

(emphasis added).

With respect to claims 1 and 17, neither Shiu, Santos nor Todd, alone or in combination disclose, teach or suggest categorizing "the dynamics of the communications channel into **one of at least a first state, a second state and a third state**, based on the estimate" and selecting, "based on a chosen state, **the weighted use of closed loop link adaptation and open loop link adaptation** of communication link parameters" as recited in claims 1 and 17, as amended. The cited art describes using either closed loop or open loop, but does not disclose, teach or suggest using a weighted combination of the two modes. Accordingly, it is respectfully submitted that the subject matter recited in claim 1, and its dependent claims 2-8, and claim 17 and its dependent claims 18-20, is patentable over the cited art.

With respect to claims 3 and 19, neither Shiu, Santos nor Todd, alone or in combination disclose, teach or suggest "wherein the weighted use of communication link parameters is **table driven**" as recited in claims 3 and 19, as amended. The cited art does not disclose, teach or suggest Accordingly, it is respectfully submitted that the subject matter recited in claims 3 and 19 is patentable over the cited art.

With respect to claim 4, neither Shiu, Santos nor Todd, alone or in combination disclose, teach or suggest "wherein one or more **link metrics are normalized** based on one or more communication link parameters" as recited in claim 4, as amended. Accordingly, it is respectfully submitted that the subject matter recited in claim 4 is patentable over the cited art.

Claim 9, as amended, recites, *inter alia*:

> categorizing the channel dynamic into **one of at least a first state, a second state and a third state,** based on the estimate; and
>
> determining, based on a chosen state, **the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics**

(emphasis added).

Claim 13, as amended, recites, *inter alia*:

> wherein the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics is **table driven**

Neither Shiu, Santos nor Todd, alone or in combination disclose, teach or suggest "categorizing the channel dynamic into **one of at least a first state, a second state and a third state,** based on the estimate" and "determining, based on a chosen state, **the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics**" as recited in claim 9, as amended. The cited art describes using either closed loop or open loop, but does not disclose, teach or suggest "determining, based on a chosen state, the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics" as recited in claim 9, as amended.. Accordingly, it is respectfully submitted that the subject matter recited in claims 9, and its dependent claims 10-16, is patentable over the cited art.

Claim 17, as amended, recites, *inter alia*:

> configured to categorize the dynamics of the communications channel into **one of at least a first state, a second state and a third state**, based on the estimate; and
>
> ...configured to select, based on a chosen state, the **weighted use of closed loop link adaptation and open loop link adaptation of communication link parameters**

(emphasis added).

On page 11 of the Office Action, claims 5-6 and 13-14 were rejected under 35 USC 103(a) as being unpatentable over Shiu in view of Santos further in view of Todd and further in view of US Publication No. 2005/0032514 (Sadri). Sadri does not provide for the deficiencies of the cited art. Claims 5-6 depend from claim 1 and are allowable for at least the same reasons. Claims 13-14 depend from claim 9 and are allowable for at least the same reasons.

Claim 13, as amended, recites, *inter alia*:

> wherein the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics is **table driven**

(emphasis added).

With respect to claim 13, neither Shiu, Santos, Todd, nor Sadri, alone or in combination disclose, teach or suggest "wherein the degree to which transmission parameters should be adjusted by open loop metrics and closed loop metrics is **table driven**" as recited in claim 13, as amended. The cited art does not disclose, teach or suggest Accordingly, it is respectfully submitted that the subject matter recited in claim 13 is patentable over the cited art.

On page 12 of the Office Action, claims 7 and 15 were rejected under 35 USC 103(a) as being unpatentable over Shiu in view of Santos further in view of Todd and further in view of US Publication No. 2004/0005905 (Petrus). Petrus does not provide for the deficiencies of

the cited art. Claim 7 depends from claim 1 and is allowable for at least the same reasons. Claim 15 depends from claim 9 and is allowable for at least the same reasons.

On page 13 of the Office Action, claim 20 was rejected under 35 USC 103(a) as being unpatentable over Shiu in view of Santos further in view of Todd and further in view of US Publication No. 2004/0014482 (Kwak). Kwak does not provide for the deficiencies of the cited art. Claim 20 depends from claim 17 and is allowable for at least the same reasons.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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